

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

MICHAEL T. SMITH, *et al.*,

Plaintiffs,

v.

BAKER CONCRETE CONSTRUCTION,  
INC., *et al.*,

Defendants.

No. 1:13-cv-207-CLC-SKL

**ORDER**

Before the Court is Defendant H.M., Jr.'s motion to quash [Doc. 48]. Defendant H.M., Jr. filed his motion to quash on September 16, 2013, seeking to quash the subpoena [Doc. 45] served upon him by Plaintiffs. The subpoena requested that Defendant H.M., Jr. produce documents, photographs, and other items to Plaintiffs' counsel on September 16, 2013.

Plaintiffs filed a motion to compel [Doc. 53] on September 23, 2013, seeking to compel Defendant H.M., Jr. to allow Plaintiffs to inspect the documents and materials that Plaintiffs alleged H.M., Jr. had taken wrongful possession of from Hugo Mendoza's personal effects. The Court issued an Order [Doc. 62] on October 17, 2013, ordering the parties to confer regarding both the motion to quash and the motion to compel. On October 23, 2013, Plaintiffs filed a notice [Doc. 65] that the parties had been able to resolve their discovery issues after conferring. Plaintiffs therefore withdrew the motion to compel [Doc. 53].

No party has filed any notice regarding the pending motion to quash. The motion to quash and the motion to compel involved the same documents and materials in Defendant H.M., Jr.'s possession, which were sought by Plaintiffs. As Plaintiffs provided notice that they had resolved the discovery issues involving these documents and items, and withdrew the motion to compel, it

would appear that the motion to quash the subpoena involving the same documents is now moot.

Accordingly, the motion to quash is **DENIED** as moot.

SO ORDERED.

ENTER:

*s/ Susan K. Lee*

SUSAN K. LEE  
UNITED STATES MAGISTRATE JUDGE